

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA,	§	
Plaintiff,	§	
v.	§	CRIMINAL NO. 4:20-CR-055
	§	
JOFFRE CROSS, III,	§	
Defendant.	§	

UNITED STATES' MOTION FOR FINAL ORDER OF FORFEITURE

The United States of America moves for a final order of forfeiture as to a Vyatskie Polyany, Model VEPR, caliber 7.62mm rifle, serial number 11VAK8631, and 2,341 rounds of various rifle and pistol ammunition, for which no third-party claims have been filed.

Procedural History

1. On February 5, 2020, defendant Joffre Cross, III ("Cross") pleaded guilty to being a felon in possession of a firearm, a violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2) as charged in Count One of the Information (Doc. No. 1). On December 8, 2020, the Court signed an Amended Preliminary Order of Forfeiture, which forfeited a Vyatskie Polyany, Model VEPR, caliber 7.62mm rifle, serial number 11VAK8631 and 2,341 rounds of various rifle and pistol ammunition (hereinafter "Firearm and Ammunition") to the United States (Doc. No. 39).

2. The United States, pursuant to Rule 32.2(b)(6), Fed. R. Crim. P., published notice of the forfeiture on an official government website for at least thirty (30) consecutive days beginning on December 12, 2020 (Doc. No. 40).

3. In addition to the general publication notice, on February 24, 2021, the United States sent notice of criminal forfeiture and a copy of the Preliminary Order of Forfeiture via First Class Mail and Certified Mail /Return receipt requested to Brittany Cano Cross, the defendant's wife. Copies of the mailings and *USPS.com* delivery confirmation is attached hereto as Exhibit "A" and incorporated herein.

4. No parties have filed a petition contesting the forfeiture of the Firearm and Ammunition, and the time to file a petition expired sixty (60) days from December 12, 2020, the first day of publication notice.

Conclusion

Accordingly, pursuant to Rule 32.2(c)(2), Fed. R. Crim. P., and Title 21, U.S.C., § 853(n)(7), the United States moves for a final order of forfeiture forfeiting the Firearm and Ammunition to the United States.

Respectfully submitted,

Jennifer B. Lowery
Acting United States Attorney

By: /s/Steven Schammel
Steven Schammel
Assistant United States Attorney
1000 Louisiana, Suite 2300
Houston, Texas 77002
Phone: 713-567-9000
Fax: 713-718-3300

Certificate of Non-Conference

There is no one with whom to confer because no one has filed a petition.

/s/Steven Schammel
Steven Schammel
Assistant U.S. Attorney

Certificate of Service

I certify that a copy of the foregoing Motion was served on all counsel of record via ECF on April 24, 2021.

/s/Steven Schammel
Steven Schammel
Assistant U.S. Attorney